

IC 34-44-2

Chapter 2. Advance Payments in Personal Injury and Property Damage Cases

IC 34-44-2-1

Applicability of chapter

Sec. 1. (a) This chapter applies to an action brought to recover damages for:

- (1) personal injuries;
- (2) wrongful death; or
- (3) property damage.

(b) This chapter does not apply to actions in which there is more than one (1) defendant.

As added by P.L.1-1998, SEC.40.

IC 34-44-2-2

No admission of liability

Sec. 2. (a) An advance payment shall not be construed as an admission of liability by any person.

(b) Except as provided in section 3 of this chapter, evidence of an advance payment is not admissible during the trial for any purpose by either plaintiff or defendant.

As added by P.L.1-1998, SEC.40.

IC 34-44-2-3

Reduction of plaintiff's award by amount of advance payment

Sec. 3. If it is determined that the plaintiff is entitled to recover in an action described in section 1 of this chapter:

- (1) the defendant may introduce evidence of any advance payment made; and
- (2) the court shall reduce the award to the plaintiff to the extent that the award includes an amount paid by the advance payment.

As added by P.L.1-1998, SEC.40.

IC 34-44-2-4

Insurance companies

Sec. 4. (a) An advance payment made by an insurance company on behalf of an insured does not increase the limits of liability of the insurance company under any existing policy of insurance.

(b) The amount of an advance payment made in respect to any claim shall be credited against any obligation of the insurance company in respect to the claim.

As added by P.L.1-1998, SEC.40.